

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DANIEL B. GRAVES, Plaintiff, v. DEUTSCHE BANK SECURITIES, INC., Defendant.	CIVIL ACTION NO. 1:07-cv-05471-BSJ-KNF (Electronically Filed)
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**PLAINTIFF'S NOTICE OF MOTION AND CONSENTED
MOTION FOR LEAVE TO AMEND AND SUPPLEMENT
THE COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Rules 15(a) and (d), Fed. R. Civ. Pro., plaintiff is moving the Court for leave to amend and supplement the Complaint in this action as follows:

1. A sentence would be added at the end of ¶ 130 of the Complaint, stating: "On July 9, 2007, the New York State Division of Human Rights issued its Notice of Dismissal for Administrative Convenience of plaintiff's charge of age discrimination and retaliation. A copy of the Notice is attached hereto as Attachment D." As amended, the paragraph would read:

130. The New York State Division of Human Rights never communicated with plaintiff, and on May 29, 2007, plaintiff informed the Division that he was planning on filing suit, and requested by facsimile transmission and by mail that the Division dismiss his charge for administrative convenience. On July 9, 2007, the New York State Division of Human Rights issued its Notice of Dismissal for Administrative Convenience of plaintiff's charge of age discrimination and retaliation. A copy of the Notice is attached hereto as Attachment D.

2. Paragraph 131 of the Complaint would be modified to state as follows:

131. Pursuant to the City Human Rights Law, § 8-502(d) of the Administrative Code, plaintiff's time for filing suit under the City Human Rights Law was tolled during

the time his complaint was before the New York State Division of Human Rights, i.e., from August 6, 2004, through the July 9, 2007, dismissal of that complaint for administrative convenience.

3. Defendant has consented to the grant of this Motion, as shown by the accompanying Stipulation.

This Motion is supported by the annexed Affidavit of Counsel and its attachments, and by the accompanying Memorandum of Law. A proposed form of Order is submitted herewith.

Respectfully submitted,

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By: /s/
Richard T. Seymour (RS-8094)
Attorneys for Plaintiff

Dated: August 7, 2007

Certificate of Service

I certify that I have, this 7th day of August, 2007, caused a true and correct copy of Plaintiff's Notice of Motion and Consented Motion for Leave to Amend and Supplement the Complaint, the annexed Declaration of Richard T. Seymour with attachment, the proposed Plaintiff's Amendment to, and Supplementation of, His Complaint, and the accompanying Memorandum of Law in support thereof, and the Stipulation of the parties on counsel for defendants by electronic service through the Court's ECF system and by hand shortly thereafter, addressed to defendants as follows:

Cliff Fonstein, Esq.
Joanne Seltzer, Esq.
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019

_____/s/_____
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